

Sec. 14-11. Removal of vehicles in violation of this Code.

Any vehicle found in violation of this Code or any ordinance regulating parking on city streets, alley or other public property for seventy-two (72) or more consecutive hours may be removed to a storage garage designated by the city pursuant to Vehicle Code section 22651.

(Ord. No. 751, § 2, 10-28-86)

Sec. 14-12. Stopping, standing, or parking of vehicles on city-owned real property or garages.

(a) When an authorized sign or signs are erected and in place giving notice that parking as indicated by such a sign is prohibited or restricted, no person shall stop, stand or park a vehicle upon any such city-owned real property or parking garage or portion thereof in such city in disregard of such sign or signs.

(b) The city council may, by resolution from time to time, designate that city-owned real property or garages or portions thereof upon which parking is prohibited or restricted in accordance with this section and in any such resolution shall require the erection and maintenance upon every such city-owned parking lot or garage or portion thereof designated for prohibition or regulation of parking or limitation a sign or signs appropriate to inform the public of the applicability of this section.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by an imprisonment in the county jail not exceeding sixty (60) days or by both such fine and imprisonment, and each day upon which a violation of this section is continued or maintained shall constitute a separate offense hereunder and be punishable as such. In addition, any vehicle found in violation of this section or any resolution of the city may be removed to a storage garage designated by the city pursuant to California Vehicle Code section 22651.

(Ord. No. 886, §§ 1—3, 9-13-94)

Editor's note—Ordinance No. 886, adopted Sep. 13, 1994, did not specifically amend this Code; hence, codification of §§ 1—3 of said ordinance as § 14-12 herein was at the editor's discretion.

Sec. 14-13. Emergency parking.

(a) The council finds that during the Art and Wine Festival and during other public gatherings and celebrations that traffic congestion resulting therefrom can and does impede the flow of traffic and interfere with the delivery of city services including police and fire services. This congestion also creates safety hazards for pedestrians and sight distance impairment for other vehicles. To address these important health and safety concerns the council finds it necessary to allow for the alteration of parking restrictions during these events so as to improve the flow of traffic, reduce congestion and insure the efficient delivery of police and fire protection.

(b) Whenever the police chief determines that an emergency exists or is imminent due to traffic congestion which is likely to result from public or private assemblages, gatherings or functions, the police chief shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is time restricted or prohibited on such streets and alleys as he or she shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the police chief shall cause such signs to be removed promptly thereafter.

(c) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

(Ord. No. 916, § A, 5-13-97)

Secs. 14-14, 14-15. Reserved.

ARTICLE II. NOTICE AND PROMISE TO APPEAR

Sec. 14-16. Required.

If any person is arrested for a violation of this chapter or any regulation saved from

repeal by this chapter and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court. (Code 1961, § 17.15)

Sec. 14-17. Notice to show time for appearance.

The time specified in the notice to appear must be at least five (5) days after such arrest. (Code 1961, § 17.15)

Sec. 14-18. Notice to specify place to appear.

The place specified in the notice to appear shall be before a judge of municipal court within the county, if the offense charged is alleged to have been committed therein and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made. (Code 1961, § 17.15)

Sec. 14-19. Promise to appear.

The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. (Code 1961, § 17.15)

Sec. 14-20. Delivery of notice to magistrate; action thereon.

(a) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of section 1275 of the Penal Code of the state, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in section 815A of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the

amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may in his discretion order that no further proceedings shall be had in such case.

(b) Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to section 1463 of the Penal Code of the state. (Code 1961, § 17.15)

Sec. 14-21. Grounds for issuance of arrest warrant.

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment or to comply with the terms and provisions of the judgment as required by law. (Code 1961, § 17.15)

Sec. 14-22. Violation of promise to appear prohibited.

Any person willfully violating his written promise to appear in court given pursuant to this article is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. (Code 1961, § 17.16)

Sec. 14-23. Procedure on violation of promise to appear.

Whenever any person signs a written promise to appear at the time and place specified in the written promise to appear in accordance with this article and has not posted bail as provided in this article, the magistrate shall issue and have delivered for execution a warrant for his arrest either within twenty (20) days after his failure to appear as promised or, if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

In accordance with section 853.3 of the Penal Code of the state, when such person violates his promise to appear before an officer authorized to accept bail other than a magistrate, that officer shall immediately deliver to the magistrate having jurisdiction over the offense charged, the written promise to appear and the complaint, if any, filed by the arresting officer. (Code 1961, § 17.17)

Sec. 14-24. Penalty.

Every person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment. (Code 1961, § 17.18)

14-25- 14-35. Reserved.

ARTICLE III. TRUCK ROUTES AND WEIGHT LIMITATIONS

DIVISION 1. GENERALLY

Sec. 14-36. Cessation of regulations on state highways.

This article shall cease to be effective as to any state highways within six (6) months after the receipt of notice from the department of public works of the state of its withdrawal of its consent to the establishment of any restrictions affecting state highways herein. (Code 1961, § 17.9)

Sec. 14-37. Approval of transfer of streets from city jurisdiction required.

No street or highway under the jurisdiction of the city for the purposes of this article shall be transferred out of the jurisdiction of the city without approval at a regular municipal election by a majority of voters of the city. (Code 1961, § 17.10)

Sec. 14-38. Authority to weigh trucks to determine compliance.

Any police officer shall have the authority to require any person driving or in control of any truck on any public street or highway in

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the city to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with. (Code 1961, § 17.4)

Sec. 14-39. Penalty for violation of regulations.

Any violation of this article shall be a misdemeanor and each day of any such violation of such provisions shall constitute a separate misdemeanor, punishable by a fine of not exceeding three hundred dollars (\$300.00) or imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment. (Code 1961, § 17.11)

Secs. 14-40—14-45. Reserved.

DIVISION 2. TRUCK TRAFFIC ROUTES*

Sec. 14-46. Designated.

The following streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight, including load, of three (3) tons, hereinafter called "trucks," and the city manager is hereby authorized and directed to designate such streets by appropriate signs as "truck route." Such streets are particularly designated as follows:

- (a) All of El Camino Real within the city.
- (b) All of Bayshore Highway within the city.
- (c) All of Old County Road within the city.
- (d) O'Neill Avenue from its intersection with Old Country Road to its intersection with Kedith Street.

***Annotation**—In the case of Skyline Materials, Inc., v. City of Belmont, decided November 2, 1959, in the Superior Court of San Mateo County, it was held that the City of Belmont be restrained and enjoined from enforcing any or all of the provisions of Ordinance Nos. 173, 203 and 232 [§ 14-46 of this Code] as against Skyline Materials, Inc., insofar as such ordinances prohibit the operation of vehicles exceeding the designated gross weights from proceeding over Ralston Avenue in the City of Belmont. Such decision of the Superior Court was reversed by the District Court of Appeals, see 198 Cal. App. (2d) 449. The Appellate Court held that the ordinance was discriminatory and therefore invalid in the respect of providing permits and fees charged thereon. The problems raised by the court were solved by the adoption of Ord. No. 312, set out in section 17.8 of the 1961 Code, as amended, section 14-61 of this Code.